

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EUGENE BRIAN GARVIE,

Petitioner,

v.

JASON BENNETT,

Respondent.

CASE NO. C24-0336

ORDER

THIS MATTER comes before the Court on pro se prisoner petitioner Eugene Brian Garvie's substantially identical motions for relief from judgment, Dkts. 11 and 16.

The Court adopted Magistrate Michelle Peterson's R&R, dismissed Garvie's § 2254 habeas petition as an unauthorized second or successive petition, and denied him a Certificate of Appealability. Dkts. 4 and 8. Garvie has since appealed. Dkt. 12.

Garvie's motions for relief from judgment, like his objections to the R&R, are difficult to follow, and do not address the substance of the R&R or the reasoning behind it. He asserts that the Court violated the Magistrate Act and Habeas Rule 8(b) by failing to conduct de novo review of his Motion for *Brady* Order. He also appears to seek

1 reconsideration of the denial of a Certificate of Appealability, to avoid a dilatory remand.
2 Dkts. 11 at 2; 15 at 2; and 16 at 2.

3 Garvie does not address the authority under which his motion is made, Federal
4 Rule of Civil Procedure 60(b)(4) (“the judgment is void”), and he does not address the
5 standard for a motion for reconsideration. The Court’s judgment is not void, and Garvie
6 is not entitled to a Certificate of Appealability, because his habeas petition is plainly a
7 second or successive petition.

8 The motions are **DENIED**.

9 The case remains closed.

10 Dated this 20th day of June, 2024.

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13 BENJAMIN H. SETTLE
14 United States District Judge
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